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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/089,112	06/24/2002	Lars Egnell	CISCP728C1	9119
26541	7590	04/22/2005	EXAMINER	
RITTER, LANG & KAPLAN P.O. BOX 2448 SARATOGA, CA 95070			KAO, CHIH CHENG G	
			ART UNIT	PAPER NUMBER
			2882	

DATE MAILED: 04/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/089,112

Applicant(s)

EGNELL ET AL.

Examiner

Chih-Cheng Glen Kao

Art Unit

2882

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 2-7,9,10,12-15,17-22,24-29 and 31-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2-7,9,10 and 12-14 is/are allowed.
- 6) ☒ Claim(s) 15,17-22,24-29 and 31-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 15, 17, 18, 22, 24, 25, 29, 31, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Milton et al. (US Patent 6631018) in view of Csipkes et al. (US Patent 5778132).
2. Regarding claims 15, 22, and 29, Milton et al. discloses an apparatus comprising a pair of add/drop modules (Fig. 1, #4-8) corresponding to one of a plurality of channels (Fig. 3, #2 and 3), each module comprising an add device (col. 4, lines 62-63, and Fig. 3, #10) as an equivalent means for adding light to a first one of the fiber paths (Fig. 3, #2), a drop device (Fig. 3, #11) as an equivalent means for deflecting a portion of light from a second one of the fiber paths (Fig. 3, #3), wherein the pair have identical construction and the first and second paths, corresponding to a plurality of channels, carry light in opposite directions (Fig. 3), an enclosure for the add and drop devices (Fig. 1, #4-8), a first connection to the enclosure to connect to one fiber path (Fig. 1, #4, top left side), a first optical fiber extending from the enclosure (Fig. 1, #4, fiber from top right side) and coupling to a first connection at one end connecting to a neighboring add/drop

Art Unit: 2882

module (Fig. 1, #5), a second connection to the enclosure to connect to the other fiber path (Fig. 1, #4, bottom left side), and a second optical fiber extending from the enclosure (Fig. 1, #4, fiber from bottom right side) and coupling to a second connection at one end connecting to the neighboring add/drop module (Fig. 1, #5).

However, Milton et al. does not disclose a housing with connectors.

Csipkes et al. teaches a housing with connectors (Fig. 7C, #160, and col. 6, lines 46-50).

It would have been obvious, to one having ordinary skill in the art at the time the invention was made, to incorporate the apparatus of Milton et al. with the housing of Csipkes et al., since one would be motivated to make such a modification to simplify manufacture thus increasing product yields (col. 2, lines 28-31) as implied from Csipkes et al.

3. Regarding claims 17, 18, 24, 25, 31, and 32, Milton et al. as modified above suggests an apparatus as recited above.

However, Milton et al. does not disclose two winding cores in housings in a rack.

Csipkes et al. further teaches two winding cores in housings (Fig. 4A, cores around the perimeter of #112A, wherein the two cores are on top of each other) in a rack (Figs. 2 and 13).

It would have been obvious, to one having ordinary skill in the art at the time the invention was made, to further incorporate the apparatus of Milton et al. with the cores in the housings in a rack of Csipkes et al., since one would be motivated to make such a modification to simplify manufacture thus increasing product yields (col. 2, lines 28-31) as implied from Csipkes et al.

Art Unit: 2882

4. Claims 19, 20, 26, 27, 33, and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Milton et al. in view of Csipkes et al. as applied to claims 15, 22, and 29 above, and further in view of Strasser et al. (US Patent 5832156).

5. Regarding claims 19, 26, and 33, Milton et al. as modified above suggests an apparatus as recited above.

However, Milton et al. does not disclose a monitor module or equivalent means coupled to one add/drop module and to fiber paths, the monitor including an add coupler to add a control signal and a tap to extract a portion of light.

Strasser et al. teaches a monitor module or equivalent means (Fig. 11, #111) coupled to one add/drop module (Fig. 11, #112) and to fiber paths (Fig. 11, #82), the monitor including an add coupler to add a control signal (Fig. 11, #117) and a tap to extract a portion of light (Abstract).

It would have been obvious, to one having ordinary skill in the art at the time the invention was made, to incorporate the apparatus of Milton et al. as modified above with the monitoring module or equivalent means of Strasser et al., since one would be motivated to make such a modification to facilitate maintenance (Abstract) as implied from Strasser et al.

6. Regarding claims 20, 27, and 34, Milton et al. as modified above suggests an apparatus as recited above.

However, Milton et al. does not disclose identical housings.

Csipkes et al. further teaches identical housings (Figs. 2 and 3).

Art Unit: 2882

It would have been obvious, to one having ordinary skill in the art at the time the invention was made, to further incorporate the apparatus of Milton et al. as modified above with the identical housings of Csipkes et al., since one would be motivated to make such a modification to simplify manufacture thus increasing product yields (col. 2, lines 28-31) as implied from Csipkes et al.

7. Claims 21, 28, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Milton et al. in view of Csipkes et al. as applied to claims 15, 22, and 29 above, and further in view of Bala et al. (US Patent 6333799).

Milton et al. as modified above suggests an apparatus as recited above.

However, Milton et al. does not disclose a client portion with an equivalent means for interfacing with a client station to receive and transmit optical signals.

Bala et al. teaches a client portion with an equivalent means for interfacing with a client station to receive and transmit optical signals (Fig. 22, #184 and 187).

It would have been obvious, to one having ordinary skill in the art at the time the invention was made, to incorporate the apparatus of Milton et al. as modified above with the client portion and equivalent means of Bala et al., since one would be motivated to make such a modification for faster user interface in an optical communication system (Abstract) as implied from Bala et al.

***Allowable Subject Matter***

8. Claims 2-7 and 9-14 contain allowable subject matter.

Art Unit: 2882

The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 2, prior art does not disclose or fairly suggest an add/drop node to be connected in an optical WDM-network including add/drop modules of a second one of two sets different from a first one having their add devices connected in a second one of the two optical fiber paths and their drop devices connected in a first one of the two optical fiber paths, in combination with all the limitations in the claim. Claims 3-7 and 9-14 contain allowable subject matter by virtue of their dependency.

### ***Response to Arguments***

9. Applicant's arguments filed 2/23/05 have been fully considered but they are not persuasive.

Applicants first state that they are uncertain as to how Milton et al. is used to cite a pair of add/drop modules as elements of an add/drop node. To further clarify a pair of add/drop modules (Fig. 1, #4-8), the Examiner has interpreted each node as being a module.

Applicants further argue that each pair of add/drop modules of Milton et al. do not correspond to "one of the plurality of channels", but to a plurality of channels, and therefore do not meet the claimed limitations. The Examiner disagrees. The claims contain the transitional phrase "comprising", meaning that the claim is open-ended. In this case, the pair of add/drop modules is not limited to corresponding to only one of the plurality of channels, but can correspond to a plurality of channels as well. Therefore, Milton et al. does meet the claim language.

Art Unit: 2882

Secondly, Applicants argue that the claims recite certain limitations with respect to the housing, and that the Examiner has not attempted to identify these limitations with elements of the cassette system of Csipkes et al., thus concluding the claims 15, 22, and 29 as not being obvious over the combination of Milton et al. and Csipkes et al. The Examiner disagrees. The Examiner did attempt to identify limitations with elements. See the third section of paragraph 2 above, for example. Furthermore, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. The combined teachings of Milton et al. and Csipkes et al. would have suggested housings for nodes or modules with free connectors, which one would have found obvious for protecting optical components. Therefore, the claims are obvious over the combination of Milton et al. and Csipkes et al. Applicants' arguments are not persuasive, and the claims remain rejected.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period



Art Unit: 2882

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chih-Cheng Glen Kao whose telephone number is (571) 272-2492. The examiner can normally be reached on M - F (9 am to 5 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ed Glick can be reached on (571) 272-2490. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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